

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 11715 of 2005

Between:

Smt. Kondakal Padmavathi, W/o. Kondakal Mohan Reddy,
R/o. 4-4-169, Attapur Village, Rajendranagar Mandal, R.R.District.

..... PETITIONER

AND

- 1 Commissioner of Police, Cyberabad, at Lakdikapool, Hyderabad.
- 2 Deputy Commissioner, Law & Cyberabad, Cyberabad,
Commissionerate, Lakdikapool, Hyderabad.
- 3 Sri Srikanth, Station House Officer, Rajendranagar P.S.,
Rajendranagar, Cyberabad Commissionerate, R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in interfering the civil dispute & Threatening to implicate in false criminal case if petitioner does not come for settlement with unsocial elements in respect of land in Sy.No. 369/1, to an extent of Ac. 1-02 guntas, situated at Attapur revenue village, Rajendranagar Mandal R.R.District as illegal, arbitrary and violative of Art. 14, 19, 21 & 300 -A of Constitution of India and consequently award compensation for such illegal interference of respondents.

Counsel for the Petitioner: MR.M.LAXMAN

Counsel for the Respondent 1 to 3: GP FOR HOME

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.11715 OF 2005

ORDER:

The petitioner purchased an extent of Ac.1.02 guntas of land in Survey No.369/1 from the original owners. It appears the person who was having General Power of Attorney in respect of the land in Survey No.369/2 of Attapur also executed two sale deeds in respect of the land in Survey No.369/1, which were demised in agreement of sale to the petitioner. Challenging the same, the petitioner's vendors filed suits being O.S.Nos.869 and 870 of 1997 on the file of the Court of the I Additional Senior Civil Judge, Ranga Reddy. The said Court by judgment and decree dated 30.03.2005 cancelled the two sale deeds. It is now alleged that those persons who lost the suit approached the third respondent, who is now interfering in the civil dispute in the guise of settling the disputes between the petitioners and others. Aggrieved by the said action, the present writ petition is filed seeking a direction that the Police should not interfere in the civil disputes between the citizens.

The learned counsel for the petitioner placed reliance on two judgments delivered by this Court in **S.Masthan Saheb v P.S.R. Anjaneyulu** and **J.Lakshmi @ Lakshamma v Commissioner of Police, Vijayawada**.

In **J.Lakshmi @ Lakshamma v Commissioner of Police, Vijayawada** (supra), after referring to the judgment in **S.Masthan Saheb v P.S.R. Anjaneyulu** (supra) as well as the code of conduct for police, this Court laid down as under.

The Supreme Court has repeatedly held that when the dispute is purely of civil nature, the jurisdiction under Art.226 of the Constitution cannot be exercised. The Supreme Court also repeatedly laid down that when the dispute between the two citizens is of civil nature and no crime is registered, police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before the court of law or before the tribunal, the police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before a court of law or before a tribunal, the police cannot interfere and even if a complaint is made in relation to such dispute pending in a civil court, the citizens have to be advised to resolve the dispute through a duly constituted court of law.

In the scheme of the Constitution of India, the duty to resolve civil disputes is entrusted to judiciary. Police have no such power. Any interference by police in a pending civil dispute or a potential civil dispute between citizens or two groups of citizens is not within the province of the police. Furthermore, if a cognizable offence is reported to the police, it is the duty of the police to

register the crime under Section 154 of the Code of Criminal Procedure, 1973 (Cr.P.C) and take up investigation immediately. In a given case, even if a civil dispute, to say a land dispute, is pending before a civil Court and if the quarrel between the two warring parties has a potential of resulting in a law and order problem posing threat to the society at large, the police can always take up the case only after registering the crime under Section 154 Cr.P.C. Without registering the crime and without any reason the police cannot interfere.

The Learned Government Pleader does not dispute the legal position. Therefore, this writ petition is disposed of directing the respondents not to interfere in the civil disputes, if any, between the petitioner, her vendor and other third parties.

The writ petition is accordingly disposed of. There shall be no order as to costs.

(V.V.S.RAO,J)

29.06.2005.

pln

To

1 Commissioner of Police, Cyberabad, at Lakdikapool, Hyderabad.

2 Deputy Commissioner, Law & Cyberabad, Cyberabad,
Commissionerate, Lakdikapool, Hyderabad.

3 The Station House Officer, Rajendranagar P.S.,

Commissionerate, Lakdikapool, Hyderabad.

4 Two CCs to Government Pleader for Home, High Court Buildings,

Hyderabad (OUT).

5 2 CD copies

6 1 CC to MR.LAXMAN